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Toni Kopra

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EXAMINER

RETTA, YEHDEGA

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/580,583	<b>Applicant(s)</b> KOPRA, TONI	
	<b>Examiner</b> Yehdega Retta	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/13/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19,22-34,36-41 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19,22-34,36-41 and 45-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to Request for Continued Examination filed June 13, 2008. Applicant amended claims 19-34, 36, 37, 40, 45-48, 52 and canceled claim 21. Claims 19, 22-34, 36-41 and 45-52 are pending. Applicant also amended the specification. The amendments have been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 22-24, 28, 29, 34-39, 41 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al. U.S. Patent No. 6,006,265 in view of Applicant's background further in view of Bandera et al. U.S. 6,332,127.

Regarding claims 19, 22, 34, 36 and 52, Rangan teaches displaying a link to a resource wherein the link is related to a product and a position of the link is a video displayed on a terminal and corresponds to an image of the product (see fig. 3a-3d, 4 and 5, col. 14 lines 16-67, col. 17 lines 49-58, col. 18 lines 34-58, col. 21 lines 40-60). Rangan teaches hyperlinks interpreted only when and if exercised by the user, is focused and targeted to the specific terminal exercising the hyperlink, i.e., it makes hyperlinking within streaming digital hypervideo specific to particular place of the user terminal and particular time of the hyperlink exercised and

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specific to and other factors (see col. 9 lines 32-60). Rangan teaches a receiver that is configured to receive digital broadcasting over the digital broadcasting network wherein the video is received via the digital broadcasting network (see col. 6 lines 5-17).

Rangan failed to teach the feature being provided on a mobile terminal. However, applicant in the background of the specification teaches, “Recent improvements in technology have allowed the widespread proliferation of higher speed Internet access, such as 56K modems, Digital Subscriber Line (DSL) and cable TV Internet connections, etc. These high speed Internet connections can support video streaming - the transmission of compressed video signals over the Internet so as to produce picture and sound comparable to that of a standard television receiver. Furthermore, high speed data services to mobile terminals are supported by advanced Third Generation (3G) Universal Mobile Telecommunications System (UMTS) or Global System for Mobile Communication/General Packet Radio Service (GSM/GPRS) mobile networks”. The specification further teaches “One aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer can click on the position of the product in the image or video to link to information about the product”. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the service disclosed in Rangan in a wireless devices since the third generation of cellular or wireless technology (3G) with much greater bandwidth are enabled to browse web sties on the Internet, to transmit and receive graphics, to execute streaming audio or video applications, (applicant’s background). Applicant discloses that one aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer could click on

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the position of the product (see page 4), however this feature is taught in Rangan. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the streaming data and the placing of product as active hypertext links in images, as taught in Rangan, to 3G wireless networks for real time applications, for the intended purpose of providing streaming digital hypervideo including coupons embedded hyperlinks of Rangan to consumer of wireless devices, since the current wireless devices do not inherit the limited bandwidth of the preceding wireless devices. Bandera teaches displaying a link to a resource with a mobile terminal; determining a selection of the link by a user (see col. 7 lines 9-30, col. 4 lines 46-60) to determine content that is related to the linked resource and also to the location of the terminal; *receiving via the mobile communication network the content; (see col. 6 lines 43-67, col. 7 line 1 to col. 8 line 24)*; determining the location at periodic interval; searching a database for sellers information (see abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52). Bandera teaches providing an advertising object (banner ads of a related content) and the advertising objects including a text files, audio files, video files, image files, hyperlinks and the likes (see col. 2 lines 36-60). Rangan teaches streaming digital hypervideo including hyperlinks distributed upon a digital communications network (see abstract). It would also have been obvious to one of ordinary skill in the art at the time of the invention to automatically determine the location of the terminal as in Bandera for the intended purpose of providing information, such as coupons or advertising based on the location of the terminal, as taught in Bandera. One would be motivated to provide Rangan's coupons or advertisings (see col. 28 lines 9-32) based on location, as taught in Bandera.

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Regarding claim 23, Bandera teaches determining the network address of the mobile terminal and mapping the network address to mobile identifier is inherent feature of Bandera's access to Internet (see col. 4 lines 36-45). The same motivation stated above applies.

Regarding claim 24, Bandera teaches wherein the content received is information on a reseller that is closest to the location of the mobile terminal. *e.g. information related to the nearest store in a national chain stores presented within an advertising object displayed in the web page* (see fig. 2&3 and col. 4 line 35 to col. 5 line 25, col. 7 lines 31-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to search database of reseller in order to select advertising information or coupons about product that is physically near the user's present location, as disclosed in Bandera (see col. 7 lines 32-40).

Regarding claims 28 and 29, Rangan teaches display a link to a resource wherein the link is related to a product and a position of the link is a video displayed on a terminal and corresponds to an image of the product (see fig. 3a-3d, 4 and 5, col. 14 lines 16-67, col. 17 lines 49-58, col. 18 lines 34-58, col. 21 lines 40-60). Rangan teaches hyperlinks interpreted only when and if exercised by the user, is focused and targeted to the specific terminal exercising the hyperlink, i.e., it makes hyperlinking within streaming digital hypervideo specific to particular place of the user terminal and particular time of the hyperlink exercised and specific to and other factors (see col. 9 lines 32-60). Rangan teaches a receiver that is configured to receive digital broadcasting over the digital broadcasting network wherein the video is received via the digital broadcasting network (see col. 6 lines 5-17).

Rangan failed to teach the feature being provided on a mobile terminal. However, applicant in the background of the specification teaches, "Recent improvements in technology

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have allowed the widespread proliferation of higher speed Internet access, such as 56K modems, Digital Subscriber Line (DSL) and cable TV Internet connections, etc. These high speed Internet connections can support video streaming - the transmission of compressed video signals over the Internet so as to produce picture and sound comparable to that of a standard television receiver. Furthermore, high speed data services to mobile terminals are supported by advanced Third Generation (3G) Universal Mobile Telecommunications System (UMTS) or Global System for Mobile Communication/General Packet Radio Service (GSM/GPRS) mobile networks". The specification further teaches "One aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer can click on the position of the product in the image or video to link to information about the product". It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the service disclosed in Rangan in a wireless devices since the third generation of cellular or wireless technology (3G) with much greater bandwidth are enabled to browse web sties on the Internet, to transmit and receive graphics, to execute streaming audio or video applications, as taught in applicant's background. Applicant discloses that one aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer could click on the position of the product (see page 4), however this feature is taught in Rangan. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the streaming data and the placing of product as active hypertext links in images, as taught in Rangan, to 3G wireless networks for real time applications, for the intended purpose of providing streaming digital hypervideo including coupons embedded hyperlinks of

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Rangan to consumer of wireless devices, since the current wireless devices do not inherit the limited bandwidth of the preceding wireless devices. Bandera teaches transceiver configured to communicate over a network; a memory including logical instructions stored therein and a processor configured to enable action based on executing the logical instruction for displaying a link to a resource; storing the location of the mobile terminal *wherein the location of the mobile terminal is received via the mobile communication network (see col. 6 lines 43-67, col. 7 line 1 to col. 8 line 24)*; determined using the mobile communication network in response to the selection of the link (see col. 7 lines 9-30, col. 4 lines 46-60 and communication the selected link and the location of the mobile terminal to an application server using the mobile communication network; receiving content related to the linked resource and the location and displaying the content (see fig. 2, abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52). Bandera teaches providing an advertising object (banner ads of a related content) and the advertising objects including a text files, audio files, video files, image files, hyperlinks and the likes (see col. 2 lines 36-60). Bandera teaches providing an advertising object (banner ads of a related content) and the advertising objects including a text files, audio files, video files, image files, hyperlinks and the likes (see col. 2 lines 36-60). Rangan teaches streaming digital hypervideo including hyperlinks distributed upon a digital communications network (see abstract. It would also have been obvious to one of ordinary skill in the art at the time of the invention to automatically determine the location of the terminal as in Bandera for the intended purpose of providing information, such as coupons or advertising based on the location of the terminal, as taught in Bandera. One would be motivated to provide Rangan's coupons or advertisings (see col. 28 lines 9-32) based on location, as taught in Bandera.

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Regarding claims 37-39, Bandera teaches searching database for reseller information that is a match to the location of the terminal and advertisement and providing the information to the mobile terminal (see fig. 2&3 and col. 4 line 35 to col. 5 line 25). Base station subsystem and mobile terminal connected via GSM network is inherent feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to search database of reseller in order to select advertising information or coupons about product that is physically near the user's present location, as disclosed in Bandera (see col. 7 lines 32-40).

Claims 41 and 50 are rejected as stated above in claim 19.

Regarding claims 45-49 and 51, Rangan teaches selection of the link stops the delivery of the video while the related content is displayed (see fig. 4, 6-8).

Claims 25-27, 30-33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al. U.S. Patent No. 6,006,265 in view of Applicant's background further in view of Bandera et al. U.S. Patent No. 6,332,127 and further in view of Saha et al. U.S. Patent No. 6,198,935.

Regarding claims 25-27, 30-33 and 40 Bandera teaches the location of the mobile terminal being determining using different method, such GPS, or based on identification of the cellular base station or satellite beam (see col. 4 lines 46-60 and col. 6 line 42 to col. 7 line 30). Bandera does not explicitly teach measuring radio signals and determining the arrival time of a first detectable path and determining idle periods, it is taught by Saha (see abstract and col. 5 line 15 to col. 6 line 67 and col. 7 lines 5-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bandera's mobile terminal with Saha's determining of position based upon network characteristics. One would be motivated to include

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signal measurement for the purpose of computing an accurate position of a mobile station, as taught by Saha (see col. 7 lines 5-10). Bandera's Web access from the mobile terminal enables a bet from the mobile terminal.

### ***Response to Arguments***

Applicant's arguments filed June 13, 2008 have been fully considered but they are not persuasive.

Applicant argues that the cited portion of the Summary of the Invention makes no admissions regarding what is known in the art that is helpful in rejecting the claims. Applicant asserts that for example the statement that high speed Internet connections can support video streaming is not an admission of what was known at the time of filing. Applicant argues that the Examiner's attempted use of Applicant's specification is improper and if the Examiner feels that certain aspects of the disclosure were known, Examiner should rely on independent support in the absence of express admission by Applicant. Examiner agrees with Applicant that in absence of admission by Applicant that the Examiner should rely on prior art, however Examiner does not agree that there is absence of admission since Applicant discloses as follows:

"Recent improvements in technology have allowed the widespread proliferation of higher speed Internet access, such as 56K modems, Digital Subscriber Line (DSL) and cable TV Internet connections, etc. These high speed Internet connections can support video streaming - the transmission of compressed video signals over the Internet so as to produce picture and sound comparable to that of a standard television receiver. Furthermore, it was also known that high speed data services to mobile terminals are supported by advanced Third Generation (3G) Universal Mobile Telecommunications System (UMTS) or Global System for Mobile

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Communication/General Packet Radio Service (GSM/GPRS) mobile networks. One aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer can click on the position of the product in the image or video to link to information about the product".

As indicated in the specification Applicant takes advantage of the technology and places products as active hypertext links in images and streaming Internet video (which is a well known feature as indicated above). Examiner provided a prior art for providing hypertext links in streaming Internet video. Examiner also provided support for the admitted art but applicant did not provide any argument. Examiner provides below copy of what was presented before.

In support to the fact that wireless devices at the time of applicant's invention were capable of receiving digital broadcasting over broadcasting network, Examiner provides Waki et al. (US 7,194,758) which teaches as follows:

The present invention relates to a digital broadcast system and more specifically to a system that provides predetermined services to viewers in accordance with certain broadcasts watched by the viewers. Developments in the semiconductor and digital communication technologies have enabled the realization of digital satellite broadcasting. Non-satellite broadcasting via wired or wireless communication is also progressing. Also, with digital broadcasting, viewer management, such as that used for PPV (Pay Per View) services that selectively distribute programs to certain viewers, can be easily and precisely performed. In such services, the host station broadcasts a PPV program which has been encrypted (scrambled), and only viewers who have paid the fee are allowed to set the key information for decrypting (descrambling) in their digital broadcast receiving devices to watch the fee-based program. In most cases, the viewer will order a fee-based program he wishes to watch before the program is broadcasted, and will receive data on which the key information is based from the broadcaster via a telephone line. (see col. 1 lines 11-39). Since portable phones, which include cellular phones, and portable electronic data appliances are in widespread use, the present invention aims, as the second object, to *provide services appropriate for a digital broadcast to viewers in possession of a portable communication device, such as a portable phone*, without the user having to use any particular digital broadcast receiving device to receive the digital broadcast. (see col. 2 lines 15-27)

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Clayton et al. (US 6,725,022 B1) teaches as follows:

Compounding the problem, new, multimedia devices with wireless Internet and satellite connectivity are expected to appear in vehicles in the very near future. These multimedia devices will be able to receive existing analog AM, FM and TV audio broadcasts as well as receive and record thousands of new digital audio broadcasts. A wireless Internet receiver can receive thousands of digital broadcasts from the Internet from cellular (AMPS, GSM, etc.), paging, FM sub-carrier, satellite and other frequencies. As of June 1999, BRS Media consultant's report shows 2,415 Internet audio broadcasts from worldwide AM/FM radio stations that simulcast their live audio broadcasts onto the Internet, up from 1,252 the previous year. Similar future Internet audio broadcast growth is expected. In addition, satellite broadcasters such as CD Radio, XM Radio and WorldSpace are expected to transmit to vehicles at least 100 new digital audio stations apiece over satellite S-band and L-band frequencies within the next few years. These stations can be received over broad geographic areas. (see col. 2 lines 18-37)

Therefore, at the time of applicant's invention it was well known that wireless devices receive digital broadcast such as videos via digital broadcasting network. However the cited prior art or applicant's admission failed to disclose the video received by the wireless device displaying a link corresponding to an image of a product. A video with a link corresponding to an image is disclosed in Rangan. Rangan fails to teach determining the location of a mobile terminal and providing the related content over the mobile communication network. An indicated above Bandera teaches displaying a link to a resource with a mobile terminal; automatically employing the location of the mobile terminal using the mobile communication network in response to the selection of the link (see col. 7 lines 9-30, col. 4 lines 46-60) to determine content that is related to the linked resource and also to the location of the terminal; determining the location at periodic interval; searching a database for sellers information (see abstract, col. 2 lines 29-53, col. 5 lines 15-25 and col. 6 line 41 to col. 7 line 52). Bandera teaches providing an advertising object (banner ads of a related content) and the advertising objects including a text files, audio files, video files, image files, hyperlinks and the likes (see col. 2 lines 36-60). Rangan teaches

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streaming digital hypervideo including hyperlinks distributed upon a digital communications network (see abstract). Contrary to Applicant's argument it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the hypervideo of Rangan (which includes hyperlinks to related content) to the wireless devices and to provide the related content over the mobile communication system as in Bandera, since the related content is based on the location of the wireless device (ad in Bandera). Therefore, one would be motivated to automatically determine the location of the terminal as in Bandera and to provide the information related on the hyperlink of Rangan so that information, such as coupons or advertising based on the location of the terminal, as taught in Bandera would be provided to the user of the wireless device (see col. 28 lines 9-32).

The Supreme Court emphasized that "the principles laid down in *Graham* reaffirmed the 'functional approach' of *Hotchkiss*, 11 How. 248." *KSR*, 127 S.Ct. at 1739 (citing *Graham*, 383 U.S. at 12 (emphasis added)), and reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Id.* The Court explained:

When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.

*Id.* at 1740. The operative question in this "functional approach" is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *Id.*

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR  
/Yehdega Retta/

Primary Examiner, Art Unit 3622

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